



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494  
Phone: 209.525.6700 Fax: 209.525.6774

March 6, 2017

Khatri Properties  
C/O Neyen Khatri  
1608 Sunrise Avenue, Suite 6  
Modesto, CA 95350

**TRANSMITTAL OF COMPLIANCE ORDER NO. DER-17CO-002 FOR NITRATE MAXIMUM CONTAMINANT LEVEL**

The Best Western Orchard Inn Water System has ongoing violations of the Maximum Contamination Level (MCL) for nitrates, as specified in the Domestic Water Quality and Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Compliance Order No. DER-17CO-002 and water supply permit 2017-02-002 in response to these violations. The citation is being transmitted to the Best Western Orchard Inn Water System under cover of this letter.

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$106.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

Please respond to each item of the Order by the deadlines established in the compliance order. If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS  
Senior Registered Environmental Health Specialist

Enclosure (2)

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**Attn:** Pranita Khatri  
Khatri Bros. Partnership

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Compliance Order (hereinafter "Order") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Best Western Orchard Inn Water System (hereinafter, "Best Western") for violation of the CHSC Section

1 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"),  
2 Section 64431.

3 **APPLICABLE AUTHORITIES**

4 **Section 116555(a) (1) of the CHSC states in relevant part:**

5 (a) Any person who owns a public water system shall ensure that the system does  
6 all of the following:

7 (1) Complies with primary and secondary drinking water standards.

8 **Section 116655 of the CHSC states in relevant part:**

9 (a) Whenever the Department determines that any person has violated or is  
10 violating this chapter, or any permit, regulation, or standard issued or adopted  
11 pursuant to this chapter, the director may issue an Order doing any of the following:

12 (1) Directing compliance forthwith.

13 (2) Directing compliance in accordance with a time schedule set by the  
14 department.

15 (3) Directing that appropriate preventive action be taken in the case of a  
16 threatened violation.

17 (b) An Order issued pursuant to this section may include, but shall not be limited  
18 to, any or all of the following requirements:

19 (1) That the existing plant, works, or system be repaired, altered, or added to.

20 (2) That purification or treatment works be installed.

21 (3) That the source of the water supply be changed.

22 (4) That no additional service connection be made to the system.

23 (5) That the water supply, the plant, or the system be monitored.



(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the Department.

**CCR, Title 22, Section 64431, states in relevant part:**

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A  
Maximum Contaminant Levels  
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

**CCR Title 22, Section 64432.1, states in relevant part:**

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

1 (1) The water supplier shall require the laboratory to notify the supplier within  
2 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall  
3 ensure that a contact person is available to receive such analytical results 24-hours a  
4 day. The water supplier shall also require the laboratory to immediately notify the  
5 State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct  
6 contact with the designated contact person within 24 hours. Within 24 hours of  
7 notification, the water supplier shall:

8 (A) Collect another sample, and

9 (B) Analyze the new sample; if the average of the two nitrate sample results  
10 exceeds the MCL, report the result to the State Board within 24 hours. If the average  
11 does not exceed the MCL, inform the State Board of the results within seven days  
12 from the receipt of the original analysis.

13 (C) If a system is unable to resample within 24 hours, it shall notify the  
14 consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall  
15 collect and analyze a confirmation sample within two weeks of notification of the  
16 results of the first sample.

17  
18 **STATEMENT OF FACTS**

19 Best Western is operated under Water Supply Permit No. 2017-02-002, which was  
20 issued on February 27, 2017.

21

1 Best Western's water system is located in Stanislaus County along Highway 99, north  
2 of the City of Turlock. Best Western's service area is approximately 2.98 acres in  
3 size.

4  
5 Best Western's water system is classified as a transient noncommunity water system  
6 that serves the customers and employees of a hotel. According to the 2017  
7 Bacteriological Sample Site Plan to the Division, Best Western serves approximately  
8 16 employees and 40 guests of the hotel through one service connection. This  
9 service connection is un-metered. The water system obtains its water supply from  
10 one active well located on Best Western's property.

11  
12 The well discharges to an 1100-gallon pressure tank, prior to entering the domestic  
13 water system. Irrigation demands are provided by this well and are supplied through  
14 a double check backflow prevention device.

15  
16 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water  
17 standards and monitoring and reporting requirements for inorganic constituents.  
18 Transient noncommunity water systems must comply with the maximum contaminant  
19 level for nitrates of 10. mg/L as N, as established in Title 22 CCR Section 64431.

20  
21 A sample collected on November 1, 2016, showed nitrate (as N) concentrations over  
22 the MCL in water produced by the Motel Well (PS Code 5000462-001). Therefore, in  
23 accordance with Section 64432.1 (a) (1), Best Western was required to collect a  
24 confirmation sample within 24 hours and determine if the average exceeded the MCL.



The confirmation sample collected on November 29, 2016, showed nitrate concentrations that were again over the MCL. Sampling for the first quarter of 2017 was completed on January 23, 2017, which indicated that concentrations continued to be over the MCL. The results of these last samples are as follows in Table 1. All results are as reported to the Division by the laboratory that performed the analysis.

**Table 1: Nitrate Monitoring Results Motel Well as N (in mg/L)**

Sample Date	Sample Results	Average
11/1/16	22	22
11/29/16	22	
1/23/17	25	N/A

Furthermore, based on the nitrate results for November of 2016 and first quarter 2017, it is highly likely that the Motel Well will exceed the nitrate MCL this year and be in violation of CHSC, Section 116555 and Section 64442.

#### **DETERMINATION**

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431, Title 22, CCR, since the water produced by the Motel Well during November of 2016 exceeded the nitrate MCL, and continues to be in violation through the date of this Order, as shown above in **Table 1**.

#### **DIRECTIVES**

Best Western is hereby directed to take the following actions:

- 1        1. On or before March 20, 2017, submit a written response to the Division  
2        indicating its agreement to comply with the directives of this Order and with the  
3        Corrective Action Plan addressed herein.  
4
- 5        2. Commencing on the date of service of this Order, provide quarterly public  
6        notification, in accordance with **Enclosure No. 1**, of Best Western's failure to  
7        meet the nitrate MCL during any calendar quarter that exceeds the MCL.  
8
- 9        3. Commencing on the date of service of this Order, submit proof of each public  
10       notification conducted in compliance with **Directive No. 2**, herein above, within  
11       10 days following each such notification, using the form provided as **Enclosure**  
12       **No. 2**.  
13
- 14       4. Commencing on the date of service of this Order, collect quarterly samples for  
15       nitrate from the well and ensure that the analytical results are reported to the  
16       Division electronically by the analyzing laboratory no later than the 10<sup>th</sup> day  
17       following the month in which the analysis was completed, but no later than the  
18       last business day of the month following the close of the calendar quarter.  
19
- 20       5. Prepare for Division review and approval, and prior to implementation, a  
21       Corrective Action Plan identifying improvements to the water system designed  
22       to correct the water quality problem (violation of the nitrate MCL) and ensure  
23       that Best Western delivers water to consumers that meets primary drinking



1 water standards. The plan shall include a time schedule for completion of each  
2 of the phases of the project, such as design, construction, and startup, and a  
3 date as of which Best Western will be in compliance with the nitrate MCL.

4  
5 6. On or before June 30, 2017, present the Corrective Action Plan required under  
6 **Directive No. 5**, herein above, to the Division in person at the Division's office  
7 located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

8  
9 7. Perform each and every element of the Division's approved Corrective Action  
10 Plan according to its time schedule, but no later than May 30, 2019.

11  
12 8. On or before July 10, 2017, and every three months thereafter, submit a report  
13 to the Division using the form provided as **Enclosure No. 3** (enclosed) showing  
14 actions taken to comply with the Corrective Action Plan during the previous  
15 three months.

16  
17 9. Not later than June 11, 2019, following the date of compliance with the nitrate  
18 MCL, demonstrate to the Division that the water delivered by Best Western  
19 complies with the nitrate MCL.

20  
21 10. Notify the Division in writing no later than five (5) days prior to the deadline for  
22 performance of each **Directive**, set forth herein, if Best Western anticipates it  
23 will not timely meet such performance deadline.

1 All submittals required by this Order shall be addressed to:

2 Rachel Riess, REHS  
3 Department of Environmental Resources  
4 3800 Cornucopia Way, Suite C  
5 Modesto, CA 95358

6 As used in this Order, the "date of issuance" shall be the date of this Order; and the  
7 "date of service" shall be the date this Order was served, personally or by certified  
8 mail, to Best Western.

9  
10 The Division reserves the right to make modifications to this Order and/or to issue  
11 further Order(s) as it may deem necessary to protect public health and safety.  
12 Modifications may be issued as amendments to this Order and shall become effective  
13 upon issuance.

14  
15 Nothing in this Order relieves Best Western of its obligation to meet the requirements  
16 of the California SDWA, or any regulation, standard, permit or Order issued  
17 thereunder.

18  
19 **PARTIES BOUND**

20 This Order shall apply to and be binding upon Best Western, its owners,  
21 shareholders, officers, directors, agents, employees, contractors, successors, and  
22 assignees.

1 **SEVERABILITY**

2 The Directives of this Order are severable, and Best Western shall comply with each  
3 and every provision hereof, notwithstanding the effectiveness of any other provision.  
4

5 **FURTHER ENFORCEMENT ACTION**

6 The California SDWA authorizes the Department to: issue a Citation with assessment  
7 of administrative penalties to a public water system for violation or continued violation  
8 of the requirements of the California SDWA or any regulation, permit, standard,  
9 Citation, or Order issued or adopted thereunder including, but not limited to, failure to  
10 correct a violation identified in a Citation or Compliance Order. The California SDWA  
11 also authorizes the Department to take action to suspend or revoke a permit that has  
12 been issued to a public water system if the public water system has violated  
13 applicable law or regulations or has failed to comply with an Order of the Department;  
14 and to petition the superior court to take various enforcement measures against a  
15 public water system that has failed to comply with an Order of the Department. The  
16 Board does not waive any further enforcement action by issuance of this Order.

17   
18 \_\_\_\_\_

19 Rachel Riess, REHS  
20 Senior Environmental Health Specialist  
21 Division of Environmental Health  
22 Department of Environmental Resources  
23 Stanislaus County

24 \_\_\_\_\_  
25 Date 2/27/17

26 Certified Mail No. 7014 3490 0001 6851 3130

27 Enclosures: (1) Public Notification Template w/ Instructions  
(2) Proof of Public Notification Form  
(3) Quarterly Progress Report



## Enclosure No. 1

### IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

#### DRINKING WATER WARNING

[System] water has high levels of nitrate

DO NOT GIVE THE WATER TO  
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN  
OR USE IT TO MAKE INFANT FORMULA

Water sample results received [date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

#### What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

### **Secondary Notification Requirements**

*Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:*

- *SCHOOLS: Must notify school employees, students, and parents (if the students are minors).*
- *RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.*
- *BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.*

This notice is being sent to you by [system].

State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_.



## Enclosure No. 2



### DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494

Phone: 209.525.6700 • Fax: 209.525.6774

www.stancounty.com

### Drinking Water Notification to Consumers PROOF OF NOTIFICATION

Name of System: \_\_\_\_\_

Please explain what caused the problem if determined and what steps have been taken to correct it.

\_\_\_\_\_

\_\_\_\_\_

Consumers Notified \_\_\_\_\_ Yes \_\_\_\_\_ No (if no explain)

\_\_\_\_\_

Date of Notification: \_\_\_\_\_

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

- ☐ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code.
- ☐ Newspaper (if the problem has been corrected).
- ☐ Personally hand-delivering a copy to each of the consumers.
- ☐ Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)
- ☐ Other Approved Method:

**I hereby declare the foregoing to be true and correct.**

\_\_\_\_\_  
Signature of Person Serving Notice

\_\_\_\_\_  
Date

**Notice:** Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within **7 Days** after notifying water users.



## Quarterly Progress Report

Water System:	<b>Best Western Orchard Inn</b>	Water System No.:	<b>5000426</b>
Compliance Order No.:	DER-17CO-002	Violation:	Nitrate
Calendar Quarter:	Date Prepared:		

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Local Primacy Agency Office for Stanislaus County.

**Summary of Compliance Plan:**

--

**Tasks completed in the reporting quarter:**

--

**Tasks remaining to complete:**

--

**Anticipate compliance date:**

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--

**Name**

--

**Signature**

--

**Title**

--

**Date**